

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 03-1330**

---

XUE TUAN YAN,

Petitioner,

versus

JOHN ASHCROFT, Attorney General,

Respondent.

---

On Petition for Review of an Order of the Board of Immigration Appeals. (A70-697-040)

---

Submitted: October 27, 2003

Decided: November 10, 2003

---

Before WILKINSON, MOTZ, and GREGORY, Circuit Judges.

---

Petition denied by unpublished per curiam opinion.

---

Jim Li, New York, New York, for Petitioner. Peter D. Keisler, Assistant Attorney General, Terri J. Scadron, Assistant Director, Leslie McKay, Office of Immigration Litigation, Civil Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Respondent.

---

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Xue Tuan Yan, a native and citizen of China, petitions for review from an order of the Board of Immigration Appeals (Board) denying his motion to reconsider.\* We have reviewed the administrative record and the Board's order and find that the Board did not abuse its discretion in denying Yan's motion to reconsider. See 8 C.F.R. § 1003.2(a) (2003); INS v. Doherty, 502 U.S. 314, 323-24 (1992). Accordingly, we deny the petition for review on the reasoning of the Board. See In re: Yan, No. A70-697-040 (B.I.A. Feb. 27, 2003). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED

---

\* The Board could not determine whether Yan sought reconsideration of its order affirming the immigration judge's decision finding Yan removable and denying his asylum application as frivolous, or of its order denying his motion to reopen that proceeding. Therefore, the Board considered the motion as to each ruling.